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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

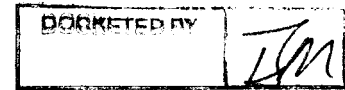
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Arizona Corporation Commission

DOCKETED

APR 17 2013



PAC-WEST TELECOMM, INC.

Complainant

vs.

QWEST CORPORATION,

Respondent

DOCKET NO. T-01051B-05-0495  
DOCKET NO. T-03693A-05-0495

LEVEL 3 COMMUNICATIONS, LLC

Complainant,

vs.

QWEST CORPORATION

Respondent.

DOCKET NO. T-03654A-05-0415  
DOCKET NO. T-01051B-05-0415

**PROCEDURAL ORDER**

(SEVERING CONSOLIDATION AND  
DISMISSING LEVEL 3 MATTER)

**BY THE COMMISSION:**

By Procedural Order entered August 23, 2010, the Arizona Corporation Commission ("Commission") consolidated Docket 05-0495, the Pac-West Telecomm, Inc. ("Pac-West") complaint against Qwest Corporation (now Qwest Corporation d/b/a CenturyLink QC ("CenturyLink")) ("Pac-West Complaint") and Docket 05-0415, a similar complaint filed by Level 3 Communications, LLC ("Level 3") against Qwest Corporation ("Level 3 Complaint").<sup>1</sup>

On February 11, 2013, Centurylink and Level 3 filed a Joint Notice of Settlement and Joint Motion to Sever the Consolidated Dockets. They also seek to dismiss the Level 3 Complaint.

<sup>1</sup> Both dockets involve appeals of Commission decisions that were remanded to the Commission by the Federal District Court of Arizona.

CenturyLink and Level 3 state that they entered into a Settlement Agreement on January 29, 2013, that resolved all of the issues in dispute in the Level 3 Complaint, as well as other business disputes which were not before the Commission.

The Level 3 Complaint involved disputes over intercarrier compensation for VNXX traffic under the interconnection agreement (“ICA”) that was in effect during the relevant time period. The ICA that was the foundation of the Level 3 Complaint has been replaced by a subsequent agreement that was arbitrated by the Commission.<sup>2</sup> CenturyLink and Level 3 state that their Settlement Agreement resolves the VNXX compensation dispute for the period of time when the previous ICA was in effect, and that today VNXX compensation is covered by the terms of the subsequent and current ICA.

Level 3 and CenturyLink state that the Settlement Agreement satisfies their interests by settling protracted and costly litigation; satisfies the public interest by freeing Commission resources to address other regulatory issues; and does not alter the Commission’s arbitration decision for VNXX traffic or the current ICA resulting from that decision.

In Decision No. 72232 (March 9, 2011), in which the Commission approved the merger of CenturyLink and Qwest, one of the conditions of that matter was that CenturyLink would evaluate and make a good faith attempt to resolve a number of cases then pending before the Commission in order to avoid further litigation. The Level 3 Complaint was one of those dockets.<sup>3</sup> Neither Staff nor Pac-West oppose the Motion, and severing the Level 3 Complaint from the Pac-West Complaint will have no effect on the Pac-West matter. Severing the dockets and dismissing the Level 3 Complaint is in the public interest.

IT IS THEREFORE ORDERED that **Docket Nos. T-03654A-05-0415 and T-01051B-05-0415 are severed from Docket Nos. T-01051B-05-0495 and T-03693A-05-0495.**

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<sup>2</sup> *In the Matter of the Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934*, Docket Nos. T-01051B-05-0350, T-03654A-05-0350. See Decision Nos. 68817 (June 29, 2006) and 69176 (December 5, 2006).

<sup>3</sup> See Decision No. 72232 at 53.

IT IS FURTHER ORDERED that **Docket Nos. T-03654A-05-0415 and T-01051B-05-0415** are hereby **dismissed** with the parties to bear their own costs, and that **Docket Nos. T-03654A-05-0415 and T-01051B-05-0415** are to be **administratively closed**.

Dated this 16th day of April, 2013

  
JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

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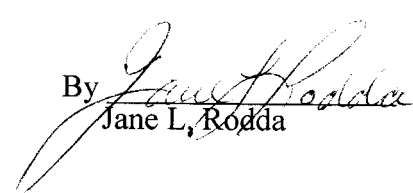
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By   
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